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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,961	09/30/2003	Liou-Chih Ching	13959 B	6297

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90 John Street
New York, NY 10038

EXAMINER

NGUYEN, TAM M

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,961

Applicant(s)

CHING, LIOU-CHIH

Examiner

Tam Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

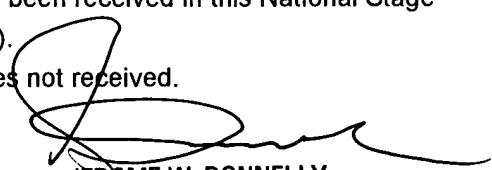
Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


JEROME W. DONNELLY
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The abstract of the disclosure is objected to because of the following:

On Page 8, in line 10 is the phrase "second teeth 212". The reference number should be removed.

Correction is required. See MPEP § 608.01(b).

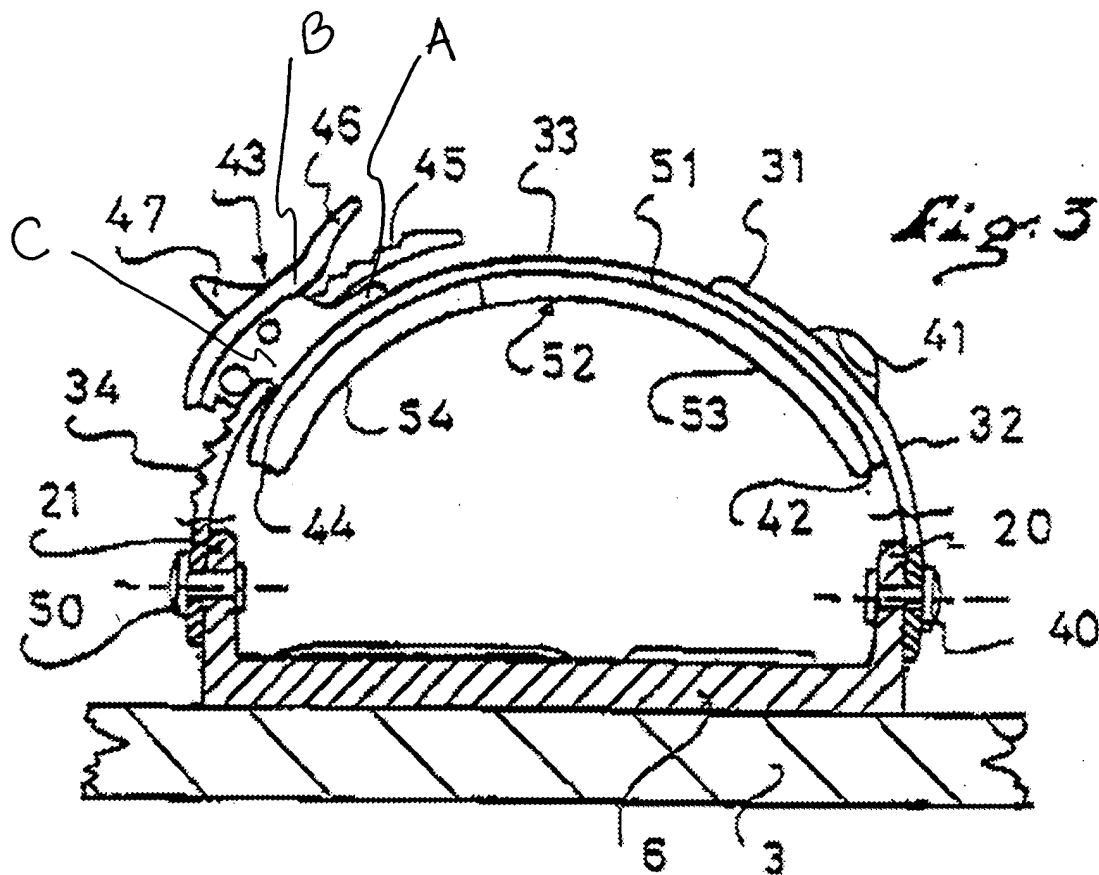
Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrevon (6,679,516) in view of Lu (5,606,779).

2. As to claim 1, Andrevon discloses a fastening device comprising a first belt (33) having a first end adapted to be connected to an end of a pedal and a second end that is connected to a lock assembly (43). The lock assembly comprises a base (A) and a pawl (B) that is pivotally connected between two sidewalls (C) of the base wherein an end of the pawl includes an engagement means. Anderson also discloses a second belt (34) having a first end adapted to be connected to the other end of the pedal and a second end that is inserted between the base and pawl wherein the second belt includes teeth (45) that engage with the engagement means of the pawl (see Fig. 3 below).



Andrevon does not disclose that the pawl's engagement means are teeth or that a torsion spring is connected between the pawl and the base. Lu discloses a similar fastening device that includes a pawl (2) that includes teeth (22) and a torsion spring (211) coupled between the pawl and a base (1) (see Fig. 1). At the time of the invention it would have been obvious to a person of ordinary skill in the art to substitute Andrevon's lock assembly with Lu's lock assembly since they are functionally equivalent in providing a means to lock the belts together and the engagement of Lu's pawl's teeth on the second belt's teeth provides an improved locking engagement between the belts.

3. As to claim 2, Andrevon and Lu disclose a modified fastening device as described above. Lu further discloses that the base (11) includes two sidewalls (12)

that have a hole (121) defined there through and a pin (20) extends through the two holes and an intermediate portion of the pawl. The pawl includes an operation end (23) and an engaging end (2) with the intermediate portion being located between the ends (see Fig. 1).

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrevon (6,679,516) in view of Lu (5,606,779) and in further view of Liu (6,393,941).

4. As to claims 3 and 4, Andrevon and Lu disclose a modified fastening device as described above (see discussion of claim 1). Andrevon further discloses that the first and second belt include a hole at respective ends thereof adapted to be engaged with a protrusion on a pedal (see Figs. 3 and 4). Andrevon does not disclose that there are multiple holes on the belt. Liu cites prior art that discloses a similar fastening device that includes a belt having multiple holes (150) on an end thereof adapted to be engaged with a protrusion (100) on a pedal (see Fig. 1). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide Andrevon's belts with multiple holes on the respective ends thereof to provide another means to adjustably fit the belts to a pedal around a user's boot.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andrevon (6,679,516) in view of Lu (5,606,779).

5. As to claim 5, Andrevon discloses a fastening device comprising a first belt (33) having a first end adapted to be connected to an end of a pedal and a second end that is connected to a lock assembly (43). The lock assembly comprises a base (A) and a pawl (B) that is pivotally connected between two sidewalls (C) of the base wherein an

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end of the pawl includes an engagement means. Anderson also discloses a second belt (34) having a first end adapted to be connected to the other end of the pedal and a second end that is inserted between the base and pawl wherein the second belt includes teeth (45) that engage with the engagement means of the pawl (see Fig. 3 below). Andrevon does not disclose a pusher having push teeth, another torsion spring coupled between the pusher and the base, that the pawl's engagement means are teeth or that a torsion spring is connected between the pawl and the base. Lu discloses a similar fastening device that includes a pusher (3) having push teeth (32), a torsional spring (311a) connected between the pusher and a base (1), a pawl (2) that includes teeth (22) and a torsion spring (211) coupled between the pawl and a base (11) (see Fig. 1). At the time of the invention it would have been obvious to a person of ordinary skill in the art to substitute Andrevon's lock assembly with Lu's lock assembly since they are functionally equivalent in providing an adjustable fastening means and Lu's assembly further provides a pusher to allow for an improved fit and locking of the belts together.

6. As to claim 6, Andrevon and Lu disclose a modified fastening device as described above (see discussion of claim 5). Lu further discloses that the base (1) includes two sidewalls (12,13) that have a hole (121) and a slot defined there through, a pin (20) that extends through the two holes and an intermediate portion of the pawl and another pin (30) that extends through the slot and the pusher. The pawl includes an operation end (23) and an engaging end (2) having teeth (22), with the intermediate portion of the pawl being located between the operation and engaging ends. The

pusher has a handle end (33) and the pin (30) is located between the handle and the push teeth (32) (see Fig. 1).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andrevon (6,679,516) in view of Lu (5,606,779) and in further view of Liu (6,393,941).

7. As to claim 7, Andrevon and Lu disclose a modified fastening device as described above (see discussion of claim 5). Andrevon further discloses that the first belt includes a hole at an end thereof adapted to be engaged with a protrusion on a pedal (see Figs. 3 and 4). Andrevon does not disclose that there are multiple holes on the belt. Liu cites prior art that discloses a similar fastening device that includes a belt having multiple holes (150) on an end thereof adapted to be engaged with a protrusion (100) on a pedal (see Fig. 1). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide Andrevon's belt with multiple holes on an end thereof to provide another means to adjustably fit the belt to a pedal around a user's boot.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Carpenter et al. '566, Hirayama '047, Gonthier '020, Howell '298, Allsop '435, Rigal et al. '848 and Grella et al. '999 each disclose a means for locking two belts together that includes a ratcheting mechanism that engages teeth on at least one of the belts.

Turrin et al. '687, Baginski '076, Sbarra '021 and Harwood '091 disclose pedals having two belts that are adjustably fastened together to secure a user's foot.

Nicoletti '994, Martignago '418 and Cavasin et al. '850 each disclose a locking means that engages a belt having teeth.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 571-272-4979. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 21, 2005

JEROME W. DONNELLY
PRIMARY EXAMINER

